

A Guide for Pollwatchers



Issued by the
STATE BOARD OF ELECTIONS

Introduction

This Guide for Pollwatchers is designed for pollwatchers and others who want to become more familiar with the basic responsibilities of pollwatchers and the role they play in the election process. It also includes information concerning authorized individuals in the polling place, the differences between voter assistance and instruction, challenging a person's right to vote, illegal election day activities, precinct registration, and absentee voting in nursing homes. Although pollwatchers may represent particular candidates, political parties or qualified organization of citizens, their principal interest is in the conduct of a fair and honest election.

The term election authority is used throughout this guide and refers to the county clerk, county board of election commissioners or city board of election commissioners. The county clerk is responsible for conducting the election, except in those jurisdictions where a board of election commissioners exists.

New legislation and court decisions made after December 2007 may not be included in this guide.

STATE BOARD OF ELECTIONS
www.elections.il.gov

AUTHORIZED INDIVIDUALS IN THE POLLING PLACE

Election Judges

Election judges are officers of the Circuit Court and have legal authority to conduct the election in the polling place. All judges have equal responsibility and authority. In the performance of their duties, election judges administer the voting procedures, determine voter qualifications and maintain the decorum of the polling place. By majority decision, the judges have the sole power to allow or disallow a challenge to a voter, to cause removal of unauthorized pollwatchers and to limit the number of pollwatchers in the polling place. All persons present in the polling place, or within the campaign free zone, must obey a lawful order of the election judges. Only the election judges may handle election supplies and materials

Police Officers

In some jurisdictions, local uniformed police officers are assigned to the polling places for the purposes of maintaining order. They have no authority over the conduct of the election except in the case of on-site criminal violations. Police officers function at the discretion of the election judges.

Pollwatchers

Candidates, political parties, qualified organization of citizens, organized proponents and opponents of a ballot proposition, and State nonpartisan civic organizations may appoint pollwatchers. The pollwatchers' role is established by law. Pollwatchers sometimes referred to as challengers, checkers or simply watchers, are election observers who aid in ensuring the free and fair conduct of elections. Pollwatchers may be in the polling place before the polls open, during the actual voting hours, and after the polls close.

All pollwatchers must be registered to vote in the State of Illinois and must possess valid credentials. Every pollwatcher must surrender his credentials to the judges when he enters the polling place. If he refuses, or if the credentials are not valid, he must leave. All pollwatcher credentials are to remain in the possession of the judges and returned to the election authority after the polls close.

To be valid, pollwatcher credentials must contain the following:

- a. The real or facsimile signature of the appropriate election authority. The election authority may not require any political party, candidate, the presiding officer of a civic organization or the chairman of the proponent or opponent group to submit the names or other information concerning pollwatchers before making credentials available to such persons or organizations.
- b. The real or facsimile signature of the appointing authority. The appointing authority can be the state or local party chairman, the presiding officer of a qualified organization of citizens, the presiding officer of a State nonpartisan civic organization, the chairman of an opponent or proponent to a proposition, or a candidate, whichever is appropriate.
- c. The signature and address of the pollwatcher and a statement that the pollwatcher is in fact registered to vote from that address.
- d. The name of the county and the precinct or ward in which the pollwatcher is registered.

The number of pollwatchers allowed in the polling place at any one time is limited by law.

NUMBER ALLOWED IN POLLING PLACE AT A GIVEN TIME		
Appointing Authority	Cons. Primary/ General Primary	Cons. Election/ General Election
CANDIDATE	Two	Two
POLITICAL PARTY	One	Two
*QUALIFIED ORGANIZATION OF CITIZENS	One	One
PROPONENTS AND OPPONENTS OF A BALLOT PROPOSITION	One	One
**STATE NONPARTISAN CIVIC ORGANIZATION	One	One

* Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election fraud, and which shall have registered its name and address and the name and address of its principal officers with the proper election authority at least 40 days before the election.

** Each State nonpartisan civic organization within the county or political subdivision shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by State nonpartisan civic organizations shall be present in a polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the election.

STATE NONPARTISAN CIVIC ORGANIZATION

"State nonpartisan civic organization" means any corporation, unincorporated association, or organization that:

- (i) as part of its written articles of incorporation, bylaws, or charter or by separate written declaration, has among its stated purposes the provision of voter information and education, the protection of individual voters' rights, and the promotion of free and equal elections;
- (ii) is organized or primarily conducts its activities within the State of Illinois; and
- (iii) continuously maintains an office or business location within the State of Illinois, together with a current listed telephone number (a post office box number without a current listed telephone number is not sufficient).

LIMITING THE NUMBER OF POLLWATCHERS

If the polling place becomes overcrowded with pollwatchers, and the orderly conduct of election is disrupted, a majority of judges may decide to limit the number of pollwatchers by drawing lots. However, at least one pollwatcher for each candidate, political party, qualified organization of citizens, State nonpartisan civic organization, organized groups of proponents for and opponents to a proposition must be allowed to remain in the polling place.

Others

Other individuals allowed to remain in the polling place include the following:

- Voters while voting.
- Minor children accompanying their parent or guardian into the voting booth.
- Representatives of the election authority.
- Representatives of the State Board of Elections.
- Representatives of the office of the State's Attorney and the office of the Attorney General acting in their official capacities.
- Law enforcement officers acting in their official capacities.

Precinct committeemen or captains are political party officials and they must have proper pollwatcher credentials in order to remain in the polling place. While they have the same rights and limitations as other pollwatchers, they have no duties whatsoever in the conduct of the election.

Candidates must have candidate credentials in order to remain in the polling place. They have the same rights and limitations as other pollwatchers. Only two signatures are required on this form because the candidate is his own "appointing authority".

Local election officials (municipal clerks, township clerks, school board secretaries, etc.) also must have valid pollwatcher credentials to remain in the polling place.

THE POLLWATCHERS' ROLE

Before the Polls Open

Before the polls open, pollwatchers may observe the set-up procedures and check that the ballot box is empty. They may observe the judges as they compare the official ballot with the specimen ballot for that precinct.

During Voting Hours

During the day pollwatchers have a right to be near enough to the judges to visually examine the voter's ballot application to compare the signature on the application with that on the signature verification record, and to observe the judge initialing the ballots. They may also watch the ballots being deposited into the ballot box and observe the general conduct of the election.

Pollwatchers are not allowed to touch any supplies or materials and at no time may pollwatchers be so close to the judges that they interfere with the orderly conduct of the election.

Pollwatchers shall be permitted to observe all proceedings and view all reasonable requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged.

After the Polls Close

Pollwatchers **present at the close of the polls** may observe the counting and tallying procedures and remain in the polling place until all procedures are completed. While they may not interfere in any way with such procedures, they may call to the attention of the election judges any violations of election laws.

VOTER INSTRUCTION AND ASSISTANCE

Instruction

“Instruction” means demonstrating to the voter, in full view of everyone in the polling place, how to properly cast a ballot or a write-in vote.

Instruction is given before the voter enters the booth. However, if a voter requests instruction after entering the booth, two judges of opposite parties may instruct the voter in full view of everyone in the polling place. A specimen ballot, not the voter's official ballot, should be used during the instruction.

Assistance

“Assistance” is the actual marking or casting of votes for the voter by specific individuals in the privacy of the voting booth. Assistance is given only upon the voter's request and after the voter and the person giving assistance completes the appropriate affidavit. While absentee voting, any person giving assistance to the voter must complete the appropriate affidavit. And must write his/her name and address on the ballot envelope certification statement.

Only two groups of voters may be given assistance: 1) a person with disabilities or a visually impaired voter and 2) the illiterate voter. Before assistance is given, the appropriate square is marked on the voter's application, and the voter and the person giving assistance must complete the appropriate affidavit.

Anyone giving assistance must cast the vote exactly as directed by the voter and shall not provide anyone with information as to how the vote was cast. Also, any person or persons providing assistance must not attempt to influence the voter.

Assisting the Illiterate and Physically Disabled Voter

Any voter who requires assistance to vote by reason of blindness or disability, or the inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. This information is to be provided to all voters requesting assistance. Should the voter who needs assistance not specify an individual to assist him in voting, he must be assisted by two judges, one from each political party.

In instances where a disabled or elderly voter has received prior approval to vote outside the polling place due to the structural features of the building, pollwatchers may observe the process. In such situations, two election judges, one from each political party, deliver an application to the voter. After it is determined that the voter is qualified to vote, the two judges deliver a ballot to the voter and allow the voter to vote in secrecy. In no case shall such voting take place more than 50 feet from the entrance to the polling place. Pollwatchers shall be permitted to accompany the judges and observe the entire procedure.

CHALLENGING A PERSON'S RIGHT TO VOTE

An election judge, a pollwatcher, or a voter may challenge a person's right to vote.

When a pollwatcher challenges the right of a person to vote, a specific reason for such challenge must be stated. The judges, by majority decision, have the sole power to sustain a challenge (agree with the challenger) or overrule a challenge (disagree with the challenger). Some reasons for challenging include the following:

- a. The voter no longer resides at the address at which he/she is registered.
- b. The person attempting to vote is not the same person registered.
- c. The person attempting to vote has already voted.
- d. The person attempting to vote is not registered to vote.

If a majority of the judges sustain the challenge (agree with the challenger), the voter must be informed of their right to receive a provisional ballot.

If a majority of the judges overrule the challenge, the voter will continue to vote as if no challenge had been made.

POSSIBLE ILLEGAL ELECTION DAY ACTIVITIES TO LOOK FOR

The election judges should be notified and be made aware of any irregular activity in the polling place. If any of the following activities occur, note the individual(s) involved including the time and place of occurrence:

- a. Electioneering – active campaigning and solicitation of votes by a candidate, candidates or party workers in the polling place or within the 100 foot campaign free zone of the polling place.
- b. Voters who try to leave the polling place with a ballot.
- c. Impersonating a registered voter.
- d. Payment for a vote.
- e. Tampering with voting equipment.
- f. Illegal casting of votes.
- g. Interfering with the voting process.
- h. Harassing the election judges.
- i. Harassing the voters.
- j. Illegal voter assistance or instruction.
- k. Disregard of Illinois election laws.

PRECINCT REGISTRATION POLLWATCHERS

If precinct registration is conducted; the election authority must publish a notice indicating the dates, hours and places of the precinct registration.

The election authority issues credentials to precinct registration day pollwatchers in the same manner as in regular elections.

All individuals who register to vote at any precinct registration place must be registered to vote in Illinois. Pollwatchers are allowed to see the names and addresses of the people who have registered during the course of the day.

Electioneering – No person is allowed to engage in any electioneering or soliciting of votes or engage in any political discussion at or within 30 feet of any precinct registration.

ABSENTEE, EARLY AND GRACE PERIOD VOTING POLLWATCHERS

Pollwatchers may be appointed to observe in-person absentee, early voting, grace period voting procedures and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged where such voting is conducted. Only one pollwatcher may be appointed for each location where in-person absentee, early and grace period voting is conducted. Pollwatchers must be registered to vote in Illinois and possess valid pollwatcher credentials.

NURSING HOME ABSENTEE VOTING POLLWATCHERS

Absentee voting may be conducted on the premises of facilities licensed or certified pursuant to the Illinois Nursing Homes, Sheltered Care Homes and Homes for the Aged Acts or the Nursing Home Care Reform Act of 1979, for physically incapacitated electors who have made proper application to the election authority not later than 5 days prior to a regular election.

Continuous absentee voting may be conducted on Friday, Saturday, Sunday, or Monday immediately preceding the regular election (one of these days is designated by the election authority). The absentee voting is supervised by a panel of two election judges, one from each political party. Not less than 30 days prior to the regular election, the election authority arranges with the chief administrative officer of each facility a mutually convenient day for the conducting of voting on the premises of the facility. The election authority is required to post a notice in a prominent place in his office of the day and time period for conducting absentee voting at each facility.

Pollwatchers are allowed to be present in the nursing home during voting and until its completion. All precautions should be made to ensure the secrecy of the ballot during this voting process.

Pollwatcher credentials are the same as those issued for Election Day.

**ABSENTEE, EARLY AND GRACE PERIOD
BALLOT PROCESSING POLLWATCHERS**

All absentee, early, and grace period ballots shall be counted in the central ballot counting location of the election authority on the day of the election. Each political party, candidate, qualified civic organization, State nonpartisan civic organization, and organized proponents and opponents of a ballot proposition shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. They shall be permitted to observe the election judges making the signature comparison between that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file, and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged where such ballots are processed.

OTHER POLLWATCHERS

- Pollwatchers are allowed to observe in-person absentee voting procedures in the office of the election authority and municipal, township and road district clerks.
- Pollwatchers are allowed to observe the verification of the registration status of provisional voters during the 2 week period following an election and may be present when the election authority makes the decision of whether or not to count such provisional voter's ballot.
- Pollwatchers are allowed to observe in-person absentee, early and grace period at each permanent and temporary polling place where these types of voting are conducted.
- Where ballots are counted in the office of the election authority, each political party, candidate, qualified organization of citizens, and State nonpartisan civic organization shall be entitled to have one pollwatcher for each panel of election judges.
- Pollwatchers are allowed to observe the lottery procedures for all party placement and simultaneous candidate filings for the same office.
- Pollwatchers are allowed to observe the review of contested absentee ballots by a panel(s) of election judges.
- A reasonable number of pollwatchers shall be admitted to the counting location to observe the tabulating process.
- Watchers are allowed to observe the conduct of the sample signature verification in the office of the election authority for statewide referenda. The rights and limitations of pollwatchers as prescribed in the Illinois Election Code shall be applicable to the above-mentioned watchers.

CONCLUSION

The right to vote is the cornerstone of our democracy. It is the duty of all election judges and pollwatchers collectively to protect this voting right.

When a pollwatcher observes an administrative error or irregularity by the judges, he should courteously call it to their attention. If the judges fail to correct the error or refuse to follow legal procedures, then the pollwatcher should record his observations and contact the election authority. Judges may be removed from office for misbehavior or neglect of duty, and may also be cited for contempt of court.

A pollwatcher should establish a cooperative relationship with the judges. Pollwatchers should be aware of possible election irregularities and the various methods of vote fraud to enable them to distinguish such activity from proper voting procedures. It is important that pollwatchers become familiar with the procedures outlined in the manuals of instruction for election judges published by the State Board of Elections. Following the procedures in the manuals, the election judges along with the pollwatchers and the election authorities can ensure that elections are administered fairly and that the rights of voters are protected.

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby

appoints _____ who resides at _____
(name of pollwatcher) (address)

in the County of _____, _____ of
(township or municipality)

_____, State of Illinois and who is duly registered to vote

from this address, to act as a pollwatcher in the _____ precinct of the

_____ ward of the _____ of
(if applicable) (township or municipality)

_____ at the _____ election to be

held on _____ .
(insert month, day year)

(Signature of Election Authority)

(Signature of Appointing Authority)

TITLE: (County Clerk, Executive Director)

TITLE: (party official, candidate,
civic organization president,
proponent or opponent group
chairman)

Under penalties provided by law pursuant to 10 ILCS 5/29-10 the undersigned

pollwatcher certifies that he or she resides at _____
(address)

in the County of _____, _____
(township or municipality)

of _____, State of Illinois and is duly registered to vote in
Illinois.

(Precinct and/or Ward in which
Pollwatcher resides)

(Signature of Pollwatcher)

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I _____
(name of candidate)

hereby certify that I am a candidate for _____ and
(name of office)

seek admittance to _____ precinct of the _____ ward of the
(if applicable)

_____ of _____ at the
(township or municipality)

_____ election to be held on _____.
(general or primary) (insert month, day, year)

(Signature of Candidate)

(Office for which candidate
seeks nomination or election)

(Signature of Election Authority)

TITLE: (County Clerk, Executive Director)

STATE BOARD OF ELECTIONS

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